1	Approved 05.04.2020
2	Nuclear Decommissioning Citizens Advisory Panel (NDCAP)
3	Monday, January 13, 2020
4	Brattleboro Area Middle School Multi-Purpose Room
5	109 Sunny Acres Road, Brattleboro, VT
6	Meeting Minutes
7 8	VT NDCAP Members Present:
9	Josh Unruh, Citizen Appointee of Governor Phil Scott, Panel Chair
10	Lissa Weinmann (Brattleboro), Citizen Appointee of Senate President Pro Tempore Tim
11	Ashe, Panel Vice-Chair
12	<ul> <li>June Tierney, Commissioner of Public Service, ex officio – arrived ~6:15 PM</li> </ul>
13	Emily Boedecker, Commissioner of Environmental Conservation, designee for the
14	Secretary of Natural Resources
15	<ul> <li>Brett Long, Deputy Commissioner of Economic Development, Designee for the Secretary</li> </ul>
16	of Commerce and Community Development (newly appointed)
17	Chris Campany, Executive Director of the Windham Regional Commission (WRC)
18	VT State Representative Sara Coffey (Guilford), Citizen Appointee of Speaker of the
19	House Mitzi Johnson
20	Corey Daniels, Senior ISFSI Manager, NorthStar Vermont Yankee
21	Emily Davis, Citizen Appointee of Senate President Pro Tempore Tim Ashe
22	Dr. William (Bill) Irwin, Designee for the Secretary of Human Services
23	Derrik Jordan (Putney), Citizen Appointee of Speaker of the House Mitzi Johnson –
24	arrived ~6:10 PM
25	Bob Leach (Brattleboro), Citizen Appointee of Governor Phil Scott
26	David Pearson, Vice-President and Regional Manager, NorthStar Group Services
27	VT State Representative Laura Sibilia, Member of the House Committee on Energy &
28	Technology
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30	The following NDCAP member was connected to the meeting via teleconference:
31	Bob Gustafson, Assistant Planning Chief, Radiological Emergency Preparedness, New
32	Hampshire Emergency Management and Homeland Security, representing the Towns of
33	Chesterfield, Hinsdale, Richmond, Swanzey, and Winchester, NH, interim appointee of
34 35	the NH Governor's Office
36	The following NDCAP members were absent from the meeting:
37	VT State Senator Mark MacDonald, Member of the Senate Committee on Natural
38	Resources & Energy

1	MA State Representative Paul W. Mark (Peru, MA), representing the Towns of
2	Bernardston, Colrain, Gill, Greenfield, Leyden, Northfield, and Warwick, Massachusetts,
3	appointee of (former) MA Governor Deval Patrick
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5	Two positions on the Panel are currently vacant.
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7	With 12 Panelists initially present at the meeting and 1 Panelist connected via teleconference, a
8	quorum was present (10 Panelists required; 13 initially present; 15 were present after two late
9	arrivals). Approximately 14 members of the public were present.
10	
11	The meeting was called to order at 6:01 PM; a video recording of the meeting is available online
12	at <a href="http://publicservice.vermont.gov/electric/ndcap">http://publicservice.vermont.gov/electric/ndcap</a> and at
13	https://www.brattleborotv.org/vt-nuclear-decommissioning-citizens-advisory-panel/vt-ndcap-
14	<u>11320-mtg</u> .
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16	Welcome, Opening Remarks & Overview of Meeting Agenda:
17	The Chair, Josh Unruh, welcomed everyone for the meeting and briefly outlined tonight's
18	agenda (NorthStar & State Agencies reports, Review of Proposed Legislative Changes and
19	Discussion of the Panel 2019 Annual Report).
20	
21	Amendments to the Meeting Agenda: No additions to the meeting agenda were discussed or
22	made.
23	
24	Introduction of Panelists: Panel members briefly introduced themselves.
25 26	Approval of Meeting Minutes: Draft meeting minutes for the Panel's December 5, 2019
27	meeting were reviewed. Several required changes were identified:
28	1. In the meeting minutes approval vote (page 2), Emily Davis abstained.
29	2. On page 6, line 41, the "is" was revised to "are" and a "the" was deleted.
30	3. On page 9, line 15, the reference to "June 24" should be "July 24."
31	4. In the Panel vote recorded on page 10 (lines 13 and 14), Corey Daniels and Emily Davis
32	abstained.
33	The modified meeting minutes were approved by roll call vote as noted below:
34	,
35	Emily Boedecker, Abstain
36	Chris Campany, Yes
37	Sara Coffey, Yes
38	Corey Daniels, Yes
39	Emily Davis, Yes
40	Bob Gustafson, Yes
41	Bill Irwin, Abstain

Derrik Jordan, Not Present for this Vote

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Bob Leach, Yes

- 1 Brett Long, Abstain
- 2 David Pearson, Yes
- 3 Laura Sibilia, Yes
- 4 June Tierney, Not Present for this Vote
- 5 Josh Unruh, Yes
- 6 Lissa Weinmann, Yes

# NorthStar Update on Recent VY Site Decommissioning Activities

- 9 Panel Member Corey Daniels, NorthStar Senior ISFSI (spent fuel storage) Manager at Vermont
- 10 Yankee, presented a summary of recent site decommissioning activities. This summary
- discussed recently completed Reactor Vessel (RV) segmentation project tasks, the near
- completion in dismantling the site's former steam turbine, and progress in onsite asbestos
- abatement. Planning and intercept well permitting status for onsite groundwater intrusion
- 14 management was summarized. Demolition of the Advanced Off Gas (AOG) Building and
- warehouse (immediately southwest of the Turbine Building) is schedule for the first half of
- 16 2020. The exact schedule for both demolitions is weather-dependent. Regarding the 17 Areas
- of Concern (AOCs) identified in the non-radiological site characterization (reported at the
- December meeting), it was clarified that only 5 AOCs will require remediation. The contract for
- 19 Antioch University of New England (AUNE) to perform a VY site study / land use inventory for
- 20 potential redevelopment options has been signed.

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- The slides for this presentation are available at:
- https://publicservice.vermont.gov/electric/ndcap

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In response to several questions from Panel members on this presentation it was noted that:

- 1. The formal filings for the diversion well water discharge permit is expected to occur on Wednesday (1/15/2020).
- 2. The primary source of delay in the RV segmentation was that the Spent Fuel Racks had not been removed from the Spent Fuel Pool (a consequence of the delay in closing NorthStar's purchase of VT Yankee).
- 3. Diversion well water can be temporarily stored in the Cooling Tower Basin structure, which has a 1.4 million gallons capacity, prior to its discharge. The Basin is not being used to store contaminated water that is currently being "trucked off" (currently being shipped by rail).
- 4. The AOG Building will be the first "below grade" structure to be demolished at the site. Groundwater sampling will be done to assure that removal of the AOG will not allow any contaminated water reservoirs to have a release path to other parts of the site or the Connecticut River.
- 5. Corey Daniels committed to providing a map of onsite radiological Areas of Concerns at a future Panel meeting. Some of the radiological AOCs have already been remediated.
- 6. A typical clean-up for a non-radiological AOC was briefly described: for a 10x10 foot area that had fuel oil spills, the contaminated soil was removed; clean fill is then brought in. NorthStar then consults with ANR to demonstrate adequacy of the clean-up; this process can be iterative.

7. A brief timeline for addressing the non-radiological AOCs was described. Most remediation is expected in 2020, with several expected to be completed during springtime.

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## **Vermont ANR Update on VY Decommissioning**

Panel Member Emily Boedecker, Department of Environmental Conservation (DEC)

7 Commissioner, summarized recent ANR / DEC monitoring activities at Vermont Yankee. This

environmental monitoring focuses on each of the AOCs previously described. Each AOC will

9 have its own clean-up plan, which is consistent with other in-state clean-up sites. Results from

several recent soil and groundwater split sample test were described. It was noted that a new

round of split samples is planned for February 2020. Plans for monitoring diversion well water

during its onsite storage and subsequent discharge were described. Monitoring of onsite

asbestos abatement was outlined. The volume of asbestos removed from the site in 2019 was

reported as 537 cubic yards. The volumes of hazardous waste and demolition scrap shipped

offsite and their destination disposal facilities were reported. Biweekly teleconferences

between ANR / DEC and NorthStar are being held to discuss site clean-up progress.

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The slides for this presentation are available at:

https://publicservice.vermont.gov/electric/ndcap

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22 23 In response to questions from Panelists Chris Campany and Laura Sibilia, it was noted that the biweekly teleconferences were a means for identifying "red flags" on project difficulties or potential schedule issues. While the teleconferences focus on ongoing clean-up efforts under DEC responsibility, additional ANR resources can be brought in as needed. Site visits can be arranged if more information is needed.

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#### **Vermont Department of Health Update on VY Decommissioning**

Panel Member Dr. Bill Irwin, Vermont Radiological and Toxicology Sciences Chief, provided a summary of current Department of Health oversite at the Vermont Yankee site. This summary outlined the historic sampling programs on and around the VY site, including those at Vernon Elementary School and surrounding farms. This monitoring includes air, milk, groundwater, sediments, fish and water supplies for Vernon and Brattleboro. Monitoring program results are available from the Department of Health's website at:

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https://www.healthvermont.gov/health-environment/radiological-health/vermont-yankee

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Additional VY monitoring includes reviewing of NorthStar's own monitoring reports and the tracking of radioactive waste shipments, which includes coordinating with Local Law Enforcement along the shipping routes.

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The slides for this presentation are available at:

https://publicservice.vermont.gov/electric/ndcap

42 43 In response to questions from Panelist Sara Coffey, it was noted that while radiological program monitoring is conducted throughout Vermont, much of the sampling focuses on the area within 2 miles of the plant. Monitoring in Brattleboro and West Brattleboro is also done, with additional focus on the Vernon and Brattleboro water supplies.

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# Vermont Public Service Department (PSD) Update on VY Decommissioning & PSD Response to Several VT Yankee Decommissioning Fund Questions

- 8 (These two agenda items were covered by a single presentation by PSD Staff.)
- 9 Jim Porter, Vermont Public Service Department Director of Public Advocacy, briefly outlined
- 10 PSD's monitoring of the overall VY Decommissioning Project since the December 5, 2019
- 11 NDCAP meeting. It was noted that several staff members from the Department's Technical
- 12 Consultant, Four Points Group (FPG) visited the site to receive clarifications on several
- NorthStar reported items. FPG Staff visited the site on December 12. PSD and FPG had an
- 14 additional follow-up meeting with NorthStar senior staff on December 19.

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- The slides for this presentation are available at:
- 17 https://publicservice.vermont.gov/electric/ndcap

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- The presentation includes summaries of the Nuclear Decommissioning Trust (NDT) and Site
- 20 Restoration Trust (SRT) disbursements in 2019. However, most of the presentation discussed
- 21 the formal reply that PSD made to several questions posed by Panel Member Laura Sibilia at
- 22 the December 5, 2019 meeting. This reply was made available to the Panel members on
- 23 December 13 and is available from the NDCAP website at:

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https://publicservice.vermont.gov/content/commissioner-tierney-letter-representative-sibilia-regarding-vermont-yankee-decommissioning

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Rather than discussing this reply in detail, Mr. Porter asked the Panelists whether it had any specific questions on the Department's reply or its summary in the presentation.

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Laura Sibilia asked whether the NDT and SRT disbursements thus far matched the level of completion for the project. Mr. Porter replied that while PSD's consultants initially had several questions, these were resolved through the site visit and follow-up meeting. After subsequent discussion, Representative Sibilia thanked PSD for the thoroughness of the response included in the letter.

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Through several subsequent questions from several Panel members, the distribution of any surplus NDT funds through the share of "Vermont Yankee Nuclear Power Corporation (VYNPC)" now owned by Green Mountain Power was clarified. Several Panelists noted that while they do not presently have financial concerns on the decommissioning project, they did want regular updates on the project financials and "all other aspects" of the project with respect to the PUC decision regarding VY's decommissioning (PUC Docket 8880). Public Service Commissioner June Tierney indicated that PSD would continue to report on all aspects of the project that it can report on. In instances where Propriety Information cannot be reported, PSD will explain why it

- 1 is unable to do so. In response to questions regarding what red flags PSD looks for,
- 2 Commissioner Tierney indicated that representatives from FPG would be available at the
- 3 Panel's May 4, 2020 meeting to discuss these.

In questions on the Spent Fuel Management budget noted in the PSD presentation, Vice-Chair Lissa Weinmann asked what time frame did the budget cover. The projected budget runs through the year 2052. Spent Fuel Management (storage) expenses at VY are expected to cost roughly \$9 million per year.

## Panel Questions and Answers on NorthStar & State Agencies Reports

- 11 Since Panelists asked questions at the conclusion of each previous report, Panel Chair Josh
- 12 Unruh asked whether anyone had any remaining questions. Vice-Chair Lissa Weinmann had
- one: VY's decommissioning is frequently referred to as the largest industrial clean-up project in
- 14 Vermont, what is the next largest clean-up project? DEC Commissioner Boedecker replied that
- this was likely the Pine Street Barge site in Burlington, but that she could provide further details
- at a future meeting. Vice-Chair Weinmann indicated that this may not be necessary as she
- 17 could find that information herself online.

#### Public Questions and Answers on NorthStar & State Agencies Reports

No public comments were received at this time.

#### **Early General Public Comment Period**

Anne Darling (East Hampton, MA) asked whether a schedule of Panel meetings for 2020 was available. Panel Chair Unruh indicated the Panel is scheduled to meet again on May 4, but beyond that, no additional meetings date had been set. Ms. Darling expressed concern that the Panel meetings were not being publicized enough. She noted that she did not receive notice about this meeting until January 8. While this meets the letter of the law, it does not allow the public much time to review much of the meeting information. She also noted that there was a large volume of information for this meeting. There would be more public participation if there was better advanced notice.

In response to this concern, State Nuclear Engineer Tony Leshinskie noted that he typically targets issuing meeting warnings approximately one week in advanced of Panel meetings. The warning for this meeting was shorter than usual because of its proximity to Christmas and New Year's as well as efforts to get all the meeting presentations posted to the NDCAP website prior to tonight's meeting. Tony noted that the meeting warnings were not the only way that Panel meetings are publicized. Meeting dates, times and locations are published on NDCAP's website as soon as these are known. A presentation slide would be shown during the break that includes the NDCAP web address. People can also see or email Tony for this information. (The NDCAP website is always listed in meeting warnings, along with Tony's contact information.)

(As is typically noted throughout Panel meeting minutes, the Panel website is available at https://publicservice.vermont.gov/electric/ndcap.)

Tony also noted that for all prior Panel meeting, most of the meeting presentations haven't been published until after the actual meeting, since many were not available until the day of the Panel meeting.

The Panel discussed whether there were options for notifying the public when updates to the NDCAP website were made. It was noted that notifications for every single website change would not be useful either. Commissioners Tierney and Boedecker indicated that a notification process could be pursued, but they would need to discuss with their respective website managers to determine what notification capabilities were available.

It was also noted that public interest in the Panel's proceedings have slacked off since Vermont Yankee's sale to NorthStar has completed. However, the Panel agreed that looking at options to better publicize meetings was worth pursuing.

Dr. Christa Daniels briefly introduced herself as the director for Antioch University of New England (AUNE)'s project that will perform a VY site study / land use inventory for potential redevelopment options. She noted that AUNE graduate student team that will be working on the project is being assembled. Between 1 and 3 students will be working on the project at any given time. There does not appear to be any similar project being untaken at any other decommissioning reactor site. The project currently has a \$35,000 budget.

The Panel took a brief 2-minute break before resuming the meeting proceedings.

#### **Review of Panel Legislation Changes Draft**

The Panel then discussed the proposed changes to the Vermont Legislation (18 V.S.A. §1700 to §1702) that creates the Panel and outlines its administration and duties. The legislative changes were drafted by Representatives Sibilia and Coffey based on results of the several Panel change votes that were taken at the December 5, 2019 meeting. Several items that were tabled for later discussion at the December 5 meeting were also included in the draft. A copy of the legislative draft is available at:

https://publicservice.vermont.gov/sites/dps/files/documents/20-0287 Sibilia Draft NDCAP Legislation Changes.pdf

Commissioner Tierney requested that the draft include changes that would require that
NorthStar to take on the financial responsibility for administering the Panel rather than PSD.
She noted that with the Panel's funding coming from PSD, Vermont ratepayers were paying for these meetings. Since NorthStar is not a rate base utility, it was unfair to ratepayers to be burdened with the cost of conducting Panel meetings.

Considerable Panel discussion ensued. Corey Daniels noted that it could be stated that since ratepayers previously benefited from Vermont Yankee's electricity, that the Panel's costs were consequence from that benefit. The concern should have been discussed during the Vermont

44 Yankee sale PUC proceedings. Commissioner Tierney countered that many of the current

ratepayers bearing the burden were not ratepayers when Vermont Yankee was part of 1 2 Vermont's electric rate base (i.e. prior to 2002) and likely did not receive this benefit. 3 4 A Panel vote was taken on whether the legislation draft should include language that shifts the full burden of the Panel costs to NorthStar: 5 6 7 Emily Boedecker, Yes 8 Chris Campany, Yes 9 Sara Coffey, NO 10 Corey Daniels, NO Emily Davis, NO 11 12 Bob Gustafson, Yes 13 Bill Irwin, Yes 14 Derrik Jordan, Yes 15 Bob Leach, NO 16 Brett Long, Yes 17 David Pearson, NO 18 Laura Sibilia, NO 19 June Tierney, Yes 20 Josh Unruh, NO 21 Lissa Weinmann, Yes 22 23 (The results of this vote were initially reported as 7 to 7; a subsequent recheck determined that 24 the vote was 8 yeses to 7 nos.) 25 26 A second Panel vote on whether shifting some degree of the Panel's costs to NorthStar was 27 then considered. For this second vote, it was agreed that any changes in the draft legislation 28 resulting from this discussion would be submitted as an amendment to draft legislation. The 29 results of this vote were: 30 Emily Boedecker, Yes 31 32 Chris Campany, Yes Sara Coffey, Yes 33 Corey Daniels, NO 34 35 Emily Davis, Yes 36 Bob Gustafson, Yes 37 Bill Irwin, Yes Derrik Jordan, Yes 38 39 Bob Leach, NO 40 Brett Long, Yes 41 David Pearson, NO 42 Laura Sibilia, NO

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June Tierney, Yes

Josh Unruh, Yes

Lissa Weinmann, Yes 1 2 3 NorthStar CEO Scott State, who was in the audience, briefly spoke on this subject. He noted 4 that it would be highly unusual for his company to accept an unlimited obligation such as open-5 ended funding for the Panel. However, he indicated that NorthStar was willing to discuss 6 bearing some costs of the Panel, but he wanted to see a proposal or recommendation on what 7 those costs would cover. After additional Panel discussion, it was proposed that the Issues 8 Committee should meet to discuss such a proposal. The appropriateness of the Issues 9 Committee discussing this was briefly debated. After further debate, it was recognized that this was a matter for the whole Panel to consider. The Panel agreed that a "robust" discussion at 10 another meeting was necessary. Since the objective is to work out an agreement for potential 11 12 inclusion in the Panel change legislation, this meeting would need be held soon. After 13 consulting with individual schedules, the Panel agreed to meet on February 3, 2020 to discuss 14 Panel funding options. 15 The Panel then briefly returned to considering the current draft of the Panel change legislation. 16 By a show of hands (a raised hand was a "yes" vote), the Panel approved the current draft for 17 18 submittal to the Vermont Legislature as follows: 19 20 Emily Boedecker, Yes 21 Chris Campany, Yes 22 Sara Coffey, Yes 23 Corey Daniels, Yes 24 Emily Davis, Yes 25 Bob Gustafson, Yes (verbally reported he was raising his hand) 26 Bill Irwin, Yes 27 Derrik Jordan, Yes 28 Bob Leach, Yes 29 Brett Long, Yes 30 David Pearson, Yes 31 Laura Sibilia, Yes 32 June Tierney, Yes Josh Unruh, Yes 33 34 Lissa Weinmann, Yes 35 36 **Public Comments on Panel Legislation Changes** 37 No public comments were received at this time. 38 39 **Review of 2019 Draft Annual Report** The Panel discussed the 2019 Annual Report draft available at: 40 https://publicservice.vermont.gov/sites/dps/files/documents/2019 VT NDCAP Annual Report Draft 2 41 42 020.01.06 to Panelists.pdf

Panel Chair Josh Unruh asked for any comments or requested changes on the report draft:

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note as appropriate.

concurred.

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- 21 22
- 23 Emily Boedecker, Yes
- 24 Chris Campany, Yes
- 25 Sara Coffey, Yes
- Corey Daniels, Yes 26
- 27 Emily Davis, Yes
- 28 Bob Gustafson, Yes
- 29 Bill Irwin, Yes
- 30 Derrik Jordan, Yes
- 31 Bob Leach, Yes
- 32 Brett Long, Yes
- 33 David Pearson, Yes
- 34 Laura Sibilia, Yes
- 35 June Tierney, Yes
- Josh Unruh, Yes 36
- 37 Lissa Weinmann, Yes

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- 39 **Public Comments on 2019 Draft Annual Report** No public comments were received at this time.
- 41 42 **General Public Comments to the Panel**
- 43 No public comments were received at this time.

Lissa Weinmann requested that "Panel Composition Change Recommendations"

discussion on eliminating the IBEW position from the Panel should note the concern that the Panel did not see another option for providing VY worker representation on the

Panel. Tony Leshinskie committed to doing this; however, he noted that appropriate

Tony Leshinskie recommended that the report should include the non-radiological

material shipment data that was included in tonight's ANR / DEC update. The Panel

Laura Sibilia questioned whether the water storage capacity (820,000) noted in the

Water Management Summary (Section VIII) was accurate. A larger value was reported

tonight. Corey Daniels noted that the 1.4 million gallons capacity was correct for the Cooling Towers Basin. Tony Leshinskie noted that the 820,000 gallons capacity noted in

the report was for the former Condenser structure, which had been used to store

Chris Campany recommended that the Panel vote to allow Tony to make these changes to the

report draft and allow him to incorporate any editorial changes identified during a final review of the draft. The Panel agreed that this was reasonable and then voted to approve the 2019

intrusion water this year. He committed to adding a note clarifying this.

Annual Report draft, with the changes noted here, as follows:

discussion may already exist in the December 5, 2019 Meeting Summary. He will add a

## **Meeting Wrap-Up and Adjourn**

Josh Unruh reported that Michael Root, the Town of Vernon's representative on the Panel has resigned. The Town has identified Madeline Arms to be his likely replacement and will take action to appoint her to the Panel shortly.

The next Panel meeting will now be February 3, 2020, hopefully at Brattleboro Area Middle School (tonight's meeting location). Tony Leshinskie indicated that he will attempt to get this same meeting space, but will look at Vernon Elementary School as an alternate site if the Middle School was unavailable.

 Josh Unruh noted that the February 3 meeting would be an open discussion on Panel funding. He expected that NorthStar would be prepared to discuss expense coverage as best they can without currently knowing details on Panel expenses. Commissioner Tierney noted that PSD will have Panel expense details available at the February 3 meeting.

Tony Leshinskie inquired whether any NorthStar or State Agency reports should be included on the February 3 meeting agenda. The Panel concurred that February 3 discussion should focus solely on the Panel funding. Hence no decommissioning update reports will be made at the February 3 meeting.

Chris Campany noted that while the intent of the February 3 meeting is to create an amendment to the Panel change legislation, consensus may not be reached. However, he expected that simply having the open discussion on Panel funding still had merit. Several Panelist noted their concurrence with this assessment.

**MEETING ADJOURNED AT 9:03 PM.**